

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

MEMORANDUM AND ORDER

-against-

KENNETH JAEGGI, et al.,

CR 04-519 (LDW)

Defendants.

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WEXLER, District Judge

Before the Court is a request by nonparty Tribune Company for a list of the jurors who served and deliberated at trial of the above-captioned action, which ended in a mistrial on February 21, 2006. The government and defendants take no position regarding Tribune's request. However, the government indicates that jury selection was held in open court and that the record of those proceedings is not under seal and is available to Tribune. Moreover, defendant Michael DeGennaro has filed a post-trial motion to dismiss the indictment on double jeopardy grounds and has submitted affidavits of eight of the discharged jurors. That filing is not under seal and is also available to Tribune. Although there are ongoing post-trial proceedings that raise issues concerning the discharged jurors, the Court finds that it is not necessary to deny public access to the names of the discharged jurors to protect the fairness of post-trial proceedings. The Court has already denied defendants' request to recall or conduct an examination of the discharged jurors concerning their deliberations. Accordingly, because the

names of those jurors appears to be available to Tribune, Tribune's request is denied without prejudice.

SO ORDERED.

/s/
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
June 12, 2006